S.B. Civil Misc. Appeal No.2657/05
Madan Lal Vs. Awtar Singh & Ors.

Date of Judgment : 10/08/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. J.P. Gupta, for appellant

Instant appeal has been filed by the claimant [injured] seeking enhancement of compensation granted by the Motor Accident Claims Tribunal, Beawar vide award dated 18th June, 2005.

Facts alleged in the claim petition, are that the claimant was 36 yrs. working as Class IV employee in the Government, met with an accident while travelling in the Trolla, which was dashed by offending Tanker No.GJ-8-T-4415, on 20th December, 1999 and sustained injuries. There was no certificate with respect to his permanent disability furnished by him before the Tribunal. Due to said injury sustained by him, he was deprived from working for more than one and half months.

Learned Tribunal after taking into consideration material, awarded total compensation of Rs.24,000/- with interest @6% from the date of filing of the application.

Counsel for appellant submits that looking to the nature of injury sustained by him, which is also evident from medical bills which he has furnished, clearly shows that there was acute pain and suffering and on account of said injury he was restrained from discharging his duty which has caused financial loss to him, but the learned Tribunal has not considered the same and what has been awarded so far as under the head of pain and suffering and so also future loss of income is concerned, is on the lower side requires interference.

I have considered the submission and perused the impugned award.

It remain undisputed that certificate of permanent disability was not furnished by the appellant and he is serving as Class IV employee in the Government nothing has been placed on record to show that because of said deficiency, if there is any, he was deprived of his future loss of income and in the absence of any disability of permanent nature he could not be deprived of his salary which he is entitled for under the relevant rules.

So far as pain and suffering and other head is concerned, learned Tribunal has considered the material and awarded compensation towards loss of future income during the period he remained hospitalized and so also for his pain and suffering, in total Rs.24,000/- along with interest @6% from the date of filing of the application.

In my opinion, what has been finally awarded by the Tribunal including all heads is just and does not require interference by this court.

Consequently, the appeal fails and is hereby dismissed.

[Ajay Rastogi],J.

FRB